

Summary of Changes of Nov. 15, 2005 Tolland MA Zoning Bylaw (from Bylaw Adopted in 1978

Type of Change	Description of Proposed Change
Deletion	A previous bylaw provision was removed
Addition	A new provision/section added
Modified	Provision or wording modifications with an impact.
Wording changes (for clarity, but no effective change in provisions)	Wording revised for improved clarity No impact.
Conform to Mass. General Law (MGL) or Make Mass. Gen. Law provisions clear.	Bring Tolland Bylaw into conformance with new Mass. General Laws/documents or make applicable Mass. GL explicit

Note: There have been no changes to Zoning Districts.

Section	Old Bylaw Page	New Page/ Section	Type of Change	Description of Change	Rationale	Impact
Table of Contents	None	i - iii	Addition	<ul style="list-style-type: none">Accessibility and ease of document use.	Access	None
Changed page numbering	1 – 32		Section/page	<ul style="list-style-type: none">Ease of reference within document	Clarity	None
Formatting				<ul style="list-style-type: none">Use of tablesBold Print and HeadingsIndentation	Clarity	None
I. Purpose	3	I. 1	Additions	<ul style="list-style-type: none">Added <i>buildings</i> to “stabilize value of land and buildings”Added “conserve the natural resources, protect scenic view, and protect environment	Expanded Goal	General
II A. Presently Existing Structure	3	II. 1 A	Conform to MGL	<ul style="list-style-type: none">Added last zoning bylaw change date	Make MGL explicit	None. Mass Gen. Law currently applies.
II B. Applicability of Amendments and Revisions	3	II. 1-B	Conform to MGL	<ul style="list-style-type: none">Incorporate Mass. GL defining when amendments/revisions to bylaw take effect (i.e. at first notice of Public Hearing on amendment)	Make MGL explicit	Prohibits applications under old bylaw provisions once Public Hearings announced on Bylaw changes. Note: Jeff.... I wonder whether you think this kind of explanation is better than the one above or below .
II C. Conformance of Construction or Operations	N/a	II 1 C	Conform to MGL	Defines time frames under which existing construction/Special Permits	Make MGL explicit.	None. MGL currently applies. Provision simply added to bylaw

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Under a Building or Special Permit				must confirm to bylaw amendments		
Section III – Zoning Districts	3	III 1.	No change	No change		
Section IV: Definitions	3 – 7		Additions/Wording Changes. Deleted unused terms.	Added definitions for completeness; changed some definitions: New terms and changes marked with * in AG review copy. Printed in Red.	Completeness. Accuracy and Clarity	
Section V – Table of Land Use Regulations	8	V - 1	Additions, Terminology changes	Section 1 <ul style="list-style-type: none"> Changed wording from “Yes, SPA, SP and NO” to <ul style="list-style-type: none"> Permitted by Right Permitted by Right with Site Plan Approval Permitted with Special Permit and Site Plan Approval Prohibited 	<ul style="list-style-type: none"> Clarity Additional purposes 	
Section V – Table of Land Use	9 -11	V 2 -	Reformatted New terminology Numerous Additions, Changes & Deletions	<ul style="list-style-type: none"> See Column 1 in Table for description of changes. <p>Approved copy will have fewer pages (see sample) once Column 1 is removed and other columns are widened.</p> <p>New provision for Corner Lots facing two streets.</p>	<ul style="list-style-type: none"> Clarity of requirements Increased specificity for clarification; differentiate between a business operating <i>within</i> (e.g. dress maker) vs. operating <i>from</i> a business operating from a home (e.g. General Construction) 	Varied impact based on nature of change (i.e. some presently permitted uses will be Prohibited; New or modified uses, etc.

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Section VI - Table of Dimensional Requirements	12	VI-1	Reformatted Addition Deletion	<ul style="list-style-type: none"> No changes in frontage or other dimension requirements Added definition of Corner Lot and Lot facing 2 or more streets Accessory buildings section moved to new Section VII Terminology change: “floor” changed to “story” 	<ul style="list-style-type: none"> Clarify corner lot frontage conditions. Clarify Accessory Building Requirements in new section. 	Requirements for frontage and setbacks defined.
VII. A General Regulations – Nonconforming Uses	12 - 13	VII 1.	<ul style="list-style-type: none"> Conform to MGL Wording changes for clarity 	<ul style="list-style-type: none"> Section 3. Changed time period from one to two years for abandonment or discontinued use (per MGL) Section 5: Added Board of Appeals discretion to extend 2 year limit No other substantive changes 	<ul style="list-style-type: none"> Conform to state law Clarity 	
VII B 1. General Provisions for New Buildings	13	VII 1.	Wording changes to conform to state law.	Changes in names of Laws and Codes from Uniform Building Code to Mass. Building Code, Title 5 .	Conform to Mass. Building Code	None.
VII B. 2 – Occupancy of Dwelling during Construction	13	VII 1	Word changes to conform to state Law.	Insertion of term Temporary Certificate of Occupancy as required by Mass. Building Code (replacing Board of Health Regulations)	Conform to Mass. Building Code requirements.	None
VII.B.3 Occupancy of Temporary Structure during Construction	14	VII 2.	Modified	<ul style="list-style-type: none"> Requires Planning Board approval to occupy a Temporary Dwelling during construction. Establishes a 12 month maximum occupancy of Temporary Dwelling. 	Limit temporary dwellings and assure Health Code compliance.	Permit required. Time limit on temporary dwelling occupancy during construction.of permanent residence. No temporary dwellings permitted for non-residential structures.
VII. C – Earth Removal	14 – 15 Formerly Section D.	VII 2 – 4.	Modified	<ul style="list-style-type: none"> Increase restoration standards Establish time period on Special Permit and limit permit provisions Establish Permit renewal requirements Increase bonding requirements 	Clarity. Environmental protection.	Explicit specifications

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				▪ Details application requirements		
VII D- Mobile Homes, Recreation Vehicles and Houseboats	15	VII 4	Modified Addition	Section 1 <ul style="list-style-type: none">Requires Planning Board permission for temporary dwelling while constructing a permanent residence. Makes language compatible with VII B 3.Adds prohibition of Houseboats as temporary or permanent residence	<ul style="list-style-type: none">Remove possibility of Houseboats and residencesClarity.	Expands definition of prohibited uses.
VII E: Commercial Recreation	15 – 17	VII 5.	Modified Wording changes	<ul style="list-style-type: none">SimplifiedClarifies application processExempts events by Town Depts. and charities for Special Permit, requiring only Selectmen approval.		Minimal impact
VII F: Signs	17 -18	VII 6 - 7	Wording Changes Additions	<ul style="list-style-type: none">Section 1 a: Increases size of owner name on residence from 1 to 2 sq. ft.Section 2: Decreases maximum size of signs by Special Permit from 40 to 30 sq. ft. Allows one off-site directional sign with maximum 6 sq ft size on private property with owner approvalSection 1 b: Makes Home Occupation sign requirements compatible with Home Occupation section VII K.Section 3 a. 1): Prohibits balloon-like animated objectsSection 3 b. 3): Requires removal of construction and contractor signs within 2 weeks or work completion or issuance of occupancy permitSection 4 b: Prohibits signs on	Increase clarity of requirements and limit certain types of signs and how long they can be displayed.	Minimal impact

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				traffic signs		
VII G: View Obstruction an Corner Clearance			Additions Confirm to MGL	<ul style="list-style-type: none"> Adds fences and other plantings Makes requirements more explicit 		
VII H. Parking Requirements			Modified	<ul style="list-style-type: none"> Requires adequate off-street parking based on building use to be determined by Planning Board Eliminates requirement for parking lot to be twice new building size in new construction 		
VII. I Storage	20	VII 8	Changed	Clarifies vehicle storage requirements for business.	Minimize negative visual impact of equipment in residential neighborhoods	Minimal impact.
VII. J: Driveways	None	VII 8 - 10	New Section	<ul style="list-style-type: none"> Establishes safety and design requirements for driveways to assure integrity and safety of public ways and emergency vehicle access Requires Driveway Permit before construction Establishes Highway Supt. as enforcement officer for driveways. Requires driveway completion before Certificate of Occupancy issued 	Safety Protection of Town Roads	Defines new driveway specifications for new construction Establishes requirements for Driveway Permit.
VII K: Home Occupation	Footnote to Table of Land Use – Page 5	VII 11	New Section	<ul style="list-style-type: none"> Define Home Occupation with examples Differentiate occupation within a residence from businesses operating from a residence or on the property Define conditions 	Increased clarity	Limited impact.
VII L: Accessory Apartments	None	VII 12 -	New Section	<ul style="list-style-type: none"> Allows one Accessory Apartment per lot by Special Permit 	Provide option for Accessory Apt in	Increases homeowner flexibility.

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		14		<ul style="list-style-type: none"> Requires owner occupancy Defines conditions, compatibility with neighborhood and parking Requires recording in Registry of Deeds Renewable with proof of owner occupancy (5 year permit) Defines application requirements for Special Permit Requires new owner to apply for Special Permit for continued use 	owner-occupied dwelling.	
VII. M: Accessory Buildings and Structures	None	VII 14-15	New section	<ul style="list-style-type: none"> Defines requirements Increases clarity 	Clarity	Limited impact.
VII N: Fences	None	VII 15	New section	<ul style="list-style-type: none"> Makes Massachusetts Building Code requirements explicit 	Make building code requirements explicit	Minimal impact.
VIII. Personal Wireless Services Facilities	Section XII – No page numbers	VII 1 – 18	Different section number	<ul style="list-style-type: none"> Inserted in General Regulations. Previously appended to former zoning bylaw. 	Logical position in document.	No impact. No change in provisions.
IX: Special Provisions - Special Permits	21-22	IX 1 - 5	<p>Modified Additions</p> <p>Word changes for clarity.</p> <p>Confirm to Mass. GL.</p>	<ul style="list-style-type: none"> Section 2 a: Added to encourage pre-application meeting with Planning Board to clarify requirements Section 2 b: Makes application filing requirements more explicit and refers to new Applicant's Guide. Differentiates requirements for Personal Wireless Services Facility defined in Section XII. Section 2 c: Added to clarify effective date as defined by Mass GL Section 2 d: Requires filing fee to cover expenses. Details in Planning Board rules and 	<p>Increased control by Panning Board.</p> <p>Explicit administrative procedures.</p>	Limited impact.

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				<p>regulations.</p> <ul style="list-style-type: none">• Section 3 g: Added to permit Planning Board to request additional information• Section 3 h: Added to allow site visits by Planning Board and other officials/departments• Section 3 i: Added to allow Planning Board to require applicant to pay “project review fee” for expert advice and consulting to Planning Board for complex projects.• Section 3 j: (called Site Considerations in current Bylaw) Defines Specific Findings required by Planning Board before granting Special Permit.• Section 4: Makes Site Plan requirements for Special Permits more explicit• Section 5: Conditions, Safeguards and Limitations. No change• Section 6: Decision and vote requirements. No change• Section 7: Construction Period. Wording change for clarity.• Section 8: Lapse of Permit No change• Section 9: Accessory Uses. No change.• Section 10: Renewal of Special Permits. Added to define renewal periods by kind of Special Permit.		
IX B. Site Plan Approval for	Previously			<ul style="list-style-type: none">• Section 1: Distinguishes between		

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Applications not Requiring Special Permits	combined with Site Plan requirements for Special Permits on Page 24.	IX 5	New Sub-ection	<p>Site Plans required for applications not requiring Special Permits</p> <ul style="list-style-type: none"> • Section 2: Defines requirements • Section 3: Defines Applicant Actions • Section 4: Defines Planning Board Actions • Section 5: Requires Site Plan Approval before Building Permit issued. • Section 6: Construction Requirement period defined. • Section 7: Lapse of Approved Site Plan if construction not substantially commenced in two years. 	Clarity about process and responsibilities.	Limited impact.
IX C. Board of Appeals	25	IX 7 - 9	<p>Modified</p> <p>Wording changes and reorganization for clarity.</p> <p>Conform to Mass Gen. Law.</p>	<p>Section 1: Membership Reworded to reflect actual Town of Tolland practice rather than list Mass Gen Law options.</p> <p>Section 2: Appeals No change</p> <p>Section 3: Authority to Grant a Variance No change</p> <p>Section 4: Meetings and Procedure</p> <ul style="list-style-type: none"> • Section 4 d. requires decision in 100 days (previously 75 days) per Mass GL 	Clarity. Conform to MGL	Limited impact.
IX D. Repetitive Applications and Petitions	28	IX 10-11	Addition	Added the term petitions to differentiate between Appeals and petitions about enforcement.	Clarity	No impact.
X. Administration	29		Wording changes	<p>Section A: Enforcement</p> <ul style="list-style-type: none"> • Changes title from Building 	Clarity.	No impact.

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			Modifications	<p>Inspector to Zoning Enforcement Office</p> <p>Section B: Penalties. Increases maximum penalty to \$300 per day per violation per Mass. Gen. Law</p> <p>Section C: Collection of Penalties. Allows non-criminal disposition of penalties (i.e. does not require going to Court). Permits tax liens on property for failure to pay fines and penalties.</p> <p>Section D: Approvals, Permits & Licenses:</p> <p>Section 1: Permits & Licenses</p> <ul style="list-style-type: none">• Adds “moved or altered” to permit requirements• States Site Plan Approval required but no Building Permit required for structures of less than 120 sq. ft <p>Section 2: Construction Completion Removes 2 year construction completion requirement per Mass. Building Code.</p>	Reference Town Bylaw on Non-Criminal Disposition and Municipal Liens	
Section XI: Amendment	29		No change	No change in provisions. Section number change from X to XII		
Section XII: Validity	29		No change	No change in provisions. Section number change from XI to XII		
Section XII: Personal Wireless Services Facilities	None	XII 1-18	No change in provisions.	No change. Adopted in 2002. Changed section number from XII to XIII for structural consistency.s		
Statement on Subdivision Control Law in Effect	29	XII 1	No change in provisions.	No change.		

